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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,720	12/26/2000	Byron J. Slater	00P9121US	4203

28524 7590 07/23/2003

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
186 WOOD AVE. SOUTH
ISELIN, NJ 08830

EXAMINER

NGUYEN, DANNY

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,720

Applicant(s)

SLATER ET AL.

Examiner

Danny Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 24-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 24-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant's arguments with respect to claims 1, 2, 4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Chermin (USPN 4,181,872). Chermin discloses that a surge protection (see fig. 1) apparatus connected between an AC electric utility power line (AC power line, col. 2, lines 52-54) and a load comprises a voltage input (terminal 1) connected to the AC electrical utility power line, the AC power line having a normal voltage of about 220 volts (col. 2, lines 53-54); an inductor (3) connected between the voltage input line (terminal 1) and the load (shown in fig. 1); a protective barrier (such as inductors 3, 8, resistor 6, and PTC 7) interposed between the inductor and the load, the protective barrier physically isolates the inductor from the load.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-5, 25-29, 34, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chermin in view of Myong et al. (USPN 6,356,424).

Regarding to claims 4, 27, 28, 34, 35, 37, 38, Chermin discloses a surge protection (see fig. 1) comprises a voltage input (terminal input1) connected to the electrical power line; an inductor (3), a separator resistor (6), and a positive temperature coefficient device (7) coupled in series between the voltage input and the load, a protective barrier (such as inductors 3, 8, resistor 6, and PTC 7) interposed between the inductor and the load, the protective barrier physically isolates the inductor from the load. Chermin does not disclose a polymeric positive temperature coefficient. Myong et al. disclose a polymer PTC (col. 1, lines 46). It would have been obvious to one having skill in the art to modify the circuit of Chermin with a PPTC as taught by Myong in order to protect components from excess current or temperature (Myong et al., col. 1, lines 29-42).

Regarding to claims 25 and 26, Chermin discloses the separator resistor (6) has a value of approximately 220 Ohm (col. 4, lines 7-8).

Regarding to claim 29, Chermin discloses the voltage input coupled to the AC power line (col. 2, lines 52-54).

4. Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chermin in view of Martenson et al. (USPN 6,040,971). Chermin discloses that a surge protection (see fig. 2) apparatus connected between an AC electric utility power line (AC power line, col. 2, lines 52-54) and a load comprises a voltage input (terminal 1) connected to the AC electrical utility power line; an inductor (3) connected between the

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voltage input line (terminal 1) and the load (shown in fig. 1); a protective barrier (such as inductors 3, 8, resistor 6, and PTC 7) interposed between the inductor and the load, the protective barrier physically isolates the inductor from the load. Chermin does not explicitly disclose a plastic housing houses the components of the circuit. Martenson et al. disclose a housing 32 (fig. 2). It would have been obvious to one having skill in the art to modify the circuit of Chermin with a housing as taught by Martenson et al. in order to protect the sudden failure of the components of the circuit that result in breakdown of an entire system.

5. Claims 24, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chermin in view of Myong et al. and further in view of Martenson et al. Chermin and Myong et al. do not disclose a plastic housing houses the components of the circuit. Martenson et al. disclose a housing 32 (fig. 2). It would have been obvious to one having skill in the art to modify the circuit of Chermin and Myong et al. with a housing as taught by Martenson et al. in order to protect the sudden failure of the components of the circuit that result in breakdown of an entire system.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

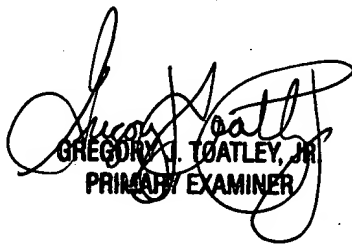
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (703)-305-5988. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Circus can be reached on (703)-308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9318 for regular communications and (703)-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

DN

DN
July 14, 2003


GREGORY J. TOATLEY, JR.
PRIMARY EXAMINER